

REMARKS

The above amendment to the specification has been presented merely to include the exact chemical name of the disclosed compounds.

Attached hereto is a Supplemental Declaration signed by the inventors since the original did not contain the full title of the invention.

Applicants hereby elect the invention directed to an erythromycin identified by the Examiner as Group I in the restriction requirement dated October 26, 1982. Claims 1-11 are directed to the elected invention. Claims 12-21, the other remaining claims in the application, are directed to the invention concerned with a methylation process for preparing the erythromycin compounds of Group I. This election is hereby made with traverse. In particular, pursuant to 37 C.F.R. 1.141(b)(1), the claims directed to the erythromycin compounds and the process for preparing such compounds are proper in the same application. Since the process as claimed cannot be used to make other and materially different products, such claims should be included in the same patent along with the product claims. It seems that searching of the product claims would likewise require searching of the process. Accordingly, it seems that the patent system would benefit most by having both types of claims in the same patent expiring at the same time. In addition, this would be consistent with the apparent practice of the Patent Office with similar subject matter in allowing claims directed to both the product and the process of making the product. Along these lines, the Examiner's attention is kindly directed to U.S. Patent 4,328,334.

In view of the above, it is respectfully requested that this restriction requirement be withdrawn and that this application be passed to issue.

Respectfully submitted,



Burton A. Amernick
Reg. No. 24,852

Attorney for Applicants
331-7111

Date: 11-8-82

Pollock, Vande Sande & Priddy
1990 M Street, N.W., Suite 800
P.O. Box 19088
Washington, D.C. 20036